

In re ) Fair Hearing No. 21,089  
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Appeal of )

The petitioner appeals the decision by the Office of Vermont Health Access (OVHA) imposing a \$25 copayment for a hospital emergency room visit under VHAP. The issue is whether OVHA correctly applied the pertinent regulations in determining that the petitioner is liable for this copayment.

1. The petitioner recently received treatment in a hospital emergency room. The hospital has billed her \$25 for this service as a copayment after VHAP covered the rest of the charges.

ORDER

The Department's decision is affirmed.

REASONS

There is no question that copayments of \$25 are "required" of all VHAP recipients for emergency room services, regardless of the income and circumstances of the recipient. W.A.M. § 4001.92.<sup>1</sup> Inasmuch as OVHA correctly assessed the petitioner's copayment of \$25 in accord with its regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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<sup>1</sup>A copayment of \$60 is required if the service is subsequently determined not to have been a "medically necessary emergency". There is a cap of \$750 per year in total copayments required of any single person. *Id.*